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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,543	01/18/2001	John Spinks	2983.2.1	9442

7590 11/20/2007

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EXAMINER	
PHILLIPS, HASSAN A	
ART UNIT	**PAPER NUMBER**
2151	

MAIL DATE	DELIVERY MODE
11/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)	
	09/764,543	SPINKS ET AL.	
	Examiner	Art Unit	
	Hassan Phillips	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-10,12-19 and 21-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-10,12-19 and 21-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *9/20/07*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is in response to communications filed September 20, 2007.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on September 20, 2007 has been entered.

Information Disclosure Statement

3. The information disclosure statement filed September 20, 2007 has been received and considered by the examiner.

Claim Objections

4. Claim 19 is objected to because of the following informalities: the claim language is unclear. Examiner suggests removing the word "a" in the 11th line of the claim to clarify the claim language. Appropriate correction is required.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 3-10, 12-19, and 21-27 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3-10, 12-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Applicants Admitted Prior Art (AAPA).

8. In considering claims 1 and 10, Nakamura teaches an apparatus and article of manufacture for physical detection and tracking of devices on a computer network, the apparatus comprising: a processor (2806), for executing executable data structures, (col. 19, lines 28, 29, Fig. 28); and a memory device (2807) operably connected to the processor for storing the executable data structures and associated operational data structures (col. 19, lines 29-33, Fig. 28), the executable and operational data structures comprising: a reporting module (i.e. read transaction process) configured to query a network device (i.e. 101, 110, 111, 113, etc.) and obtain end point information corresponding to a first network device (i.e. 101, 110, 111, 112, etc.), the end point

connection information comprising connection table information (i.e. room index A1, B1, B2 etc.) identifying a port (i.e. outlet 101) through which the first network device connects to the network device, (col. 19, lines 52-65, also see col. 17, line 62-col. 18, line 4, and col. 18, line 39-45 and Fig.'s 1 and 24-26); and a correlation module (i.e. device map preparation application) configured to associate the end point connection information corresponding to the first network device to a location identifier (i.e. Room A, Room B, etc.) corresponding to a physical location, (col. 20, lines 15-18, and Fig. 32).

Although the teachings of Nakamura disclose substantial features of applicant's claimed invention, they fail to expressly disclose: the network device being selected from the group consisting of a switch, router, and hub.

Nevertheless, it was well known in the art for a computer network like the one taught by Nakamura to comprise network devices like switches, routers and hubs so as to allow communication among other network devices. Applicant acknowledges this in the disclosure, (see AAPA, pg. 1, lines 23-26).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Nakamura to expressly disclose the network device being selected from the group consisting of a switch, router, and hub. This would have advantageously provided a device map solely designated to switches, routers and hubs, (Nakamura, col. 20, lines 15-18). Such a map would have advantageously indicated to a user the location of all devices that allow communication among other network devices and end station devices, (Nakamura, Fig. 32, AAPA, pg. 1, lines 23-26).

9. In considering claims 3 and 12, Nakamura teaches the reporting module comprising a communication module configured to transmit the end point connection information to a central database. See col. 17, lines 11-32.

10. In considering claims 4 and 13, Nakamura teaches the reporting module further comprising an update module configured to detect a change of end point connection information corresponding to the first network device. See col. 9, lines 57-67, col. 10, lines 1-2.

11. In considering claims 5 and 14, Nakamura teaches the reporting module further comprising an inventory module configured to detect a second network device local to the first network device and obtain end point information corresponding to the second network device. See col. 10, lines 51-53 and col. 19, lines 52-65.

12. In considering claims 6 and 15, it is inherent that the apparatus and article of manufacture taught by Nakamura comprises a monitoring module configured to receive end point connection information from the reporting module. See col. 9, lines 57-67, col. 10, lines 1-2 and col. 19, lines 37, 38.

13. In considering claims 7 and 16, Nakamura teaches the correlation module further comprising a device recognition module configured to identify the nomenclature

of the first network device based on product recognition records. See col. 19, lines 66-67, col. 20, lines 1-14.

14. In considering claims 8, 9, 17, and 18, Nakamura suggests the inventory module is configured to detect and transmit software and hardware configuration information corresponding to a first or second network device. See col. 19, lines 52-55, and col. 20, lines 5-14.

15. Claim 19, 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura, U.S. Patent 6,721,818.

16. In considering claim 19, Nakumara teaches a method for physical detection and tracking of devices (101, 110, 111, 112, 113, etc.) on a computer network (see Fig. 1), the method comprising: identifying a computer network comprising a plurality of devices (101, 110, 111, 112, 113, etc.), (col. 19, lines 39-43); identifying a first device (i.e. 101) of the plurality of devices configured to collect and store connection table information (i.e. the room index) used for mapping interconnectivity between the plurality of devices, (col. 19, lines 21-24, also see col. 19, lines 44-61, also see col. 17, line 62-col. 18, line 4, and col. 18, lines 39-52); querying the first device to obtain end point connection information corresponding to a second device (i.e. 101, 110, 111, 112, 113, etc.) of the plurality of devices, the end point connection information comprising a portion of the connection table information (i.e. room index A1, B1, B2, etc.) identifying a

port (i.e. outlet 101) through which the second device connects to the first device, (col. 18, lines 39-52, also see col. 19, lines 39-61); reporting the end point connection information to a central database (i.e. 2803), (col. 19, lines 21-24, also see col. 17, lines 11-32); and associating the end point connection information and the location known to be serviced by the port to determine the physical location of the second device, (col. 20, lines 15-23).

Although the teachings of Nakamura disclose substantial features of applicant's claimed invention, they fail to expressly disclose: the first device being configured to automatically collect and update the table information.

Nevertheless, Nakamura teaches the movable devices (110, 111, 112, etc.) being configured to automatically collect and update the table information (pg. 18, lines 39-45).

Thus, it would have been obvious to one of ordinary skill in the art to modify the teachings of Nakamura to expressly disclose the first network device also being configured to automatically collect and update the table information. This would have advantageously allowed for re-locating the first network device in cases where the first network device was mobile and moved to a different location in the network, or when the first device was powered off and then powered back on again, (Nakamura, col. 5, lines 21-28).

17. In considering claim 21, Nakamura teaches the central database comprising device records storing end point connection information corresponding to multiple devices of the plurality of devices. See col. 19, lines 66-67, col. 20, lines 1-4.

18. In considering claim 22, it is inherent in the method taught by Nakamura that upon detecting a change of end point connection information corresponding to the first device, updating the central database to reflect the change is performed. See col. 9, lines 57-67, col. 10, lines 1-2. Also see col. 16, lines 66-67, col. 17, lines 1-32.

19. In considering claim 23, Nakamura teaches detecting a third device of the plurality of devices local to the second device and obtaining end point information corresponding to the third device. See col. 18, lines 39-52, also see col. 19, lines 39-61.

20. In considering claim 24, Nakamura teaches identifying the nomenclature of the first second device based on product recognition records stored in the central database. See col. 19, lines 66-67, col. 20, lines 1-14.

21. In considering claims 25 and 27, the method taught by Nakamura further suggests detecting software and hardware configuration information corresponding to the second or third device. See col. 19, lines 52-55, and col. 20, lines 5-14.

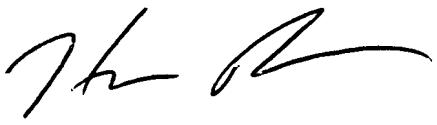
22. In considering claim 26, Nakamura teaches transmitting the software and hardware configuration information corresponding to the second device to the central database. See col. 19, lines 66-67, col. 20, lines 1-14.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is 571-272-3940. The examiner can normally be reached on Mon-Fri (8am-5pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Hassan Phillips
11/16/07